UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 10 JANE DOE Case Number: C 12-03412 (EMC) 11 Plaintiff, 12) [PROPOSED] ORDER REGARDING VS. 13) STIPULATED REQUEST FOR ORDER) GRANTING LEAVE, VACATING THE MARGARET A. HAMBURG, M.D., 14 in her official capacity as Commissioner,) HEARING ON DEFENDANTS' MOTION U.S. Food and Drug Administration) TO DISMISS COMPLAINT, AND 15 **CHANGING TIME** 16 and 17 KATHLEEN SEBELIUS, in her official capacity as Secretary, 18 U.S. Dep't of Health and Human Services, 19 Defendants. 20 21 22 Pursuant to Civil Local Rule 6-2, plaintiff Jane Doe and defendants Margaret A. 23 Hamburg, M.D., Commissioner of Food and Drugs, and Kathleen Sebelius, Secretary of Health 24 and Human Services (collectively "Defendants") have filed a Stipulated Request for Order 25 Granting Leave, Vacating the Hearing on Defendants' Motion to Dismiss Complaint, and 26 Changing Time. 27 For good cause shown therein, it is hereby ORDERED that: 28 [PROPOSED] ORDER GRANTING LEAVE, VACATING THE HEARING ON DEFENDANTS' MOTION, AND CHANGING TIME CASE No. C 12-03412 (EMC)

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- 1. The parties' Stipulated Request is GRANTED;
- Defendants are GRANTED leave to withdraw their pending Motion to Dismiss Complaint ("Motion");
- 3. The hearing on Defendants' Motion, which is currently set for December 21, 2012 is VACATED;
- 4. Plaintiff is GRANTED leave to file an Amended Complaint, no later than January 11, 2013;
- Defendants are GRANTED leave to file any responsive pleadings to the Amended Complaint authorized by the Federal Rules of Civil Procedure, no later than February 25, 2013; and
- 6. The Case Management Conference currently scheduled for January 31, 2013 is CONTINUED, and will be rescheduled to a later date. to February 28, 2013 at 9:00 a.m. A joint CMC statement shall be filed by February 21, 2013.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

12/17 Dated: ______, 2012

